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EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/780,547	CRIDER ET AL.
	Examiner	Art Unit	
	Maikhanh Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _2/13/2008_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24 and 40-47_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-24 and 40-47_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed 02/13/2008.

Claims 1-24 and 40-47 are currently pending. Claims 25-39 and 48-55 have been

canceled. Claims 1, 13, and 40 have been amended. Claims 1, 13, and 40 are

independent claims.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another
filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
application for patent by another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section 351(a) shall have the effects
for purposes of this subsection of an application filed in the United States only if the international application
designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 and 40-47 remain rejected under 35 U.S.C. 102(e) as being

anticipated by **O'Brien** (US 7272789, filed 11/2003).

As to claim 40:

O'Brien teaches a computer-readable storage medium containing a data structure of a display description file specifying alternate layouts of an element using a display description language, the data structure comprising:

- a definition of an element [Col. 5, lines 1-11 and Col. 6, lines 10 -22 → *setting a plurality of rules which define positioning of elements*];

- a first condition and a first layout associated with the element [Col. 6, lines 10- Col. 7, line 27 and Col. 9, lines 57-67 → *elements of the design to be laid out according to a rule, or a set of rules, which define desirable layouts*]; and

- a second condition and a second layout associated with the element [Col. 6, lines 10- Col. 7, line 27; and Col. 9, lines 57-67 → *elements of the design to be laid out according to a rule, or a set of rules, which define desirable layouts*];

     wherein the element is laid out in accordance with the first layout when the first condition is satisfied and with the second layout when the second condition is satisfied [Col. 6, lines 27- 57 and Col. 9, lines 45-51 → *laying out elements on a page for printing or online display, wherein the page includes content and design, said content including a plurality of different*

type and graphical elements, and said design including a rule associated

with a particular type or graphical element, said rule defining a scoring

system which defines a score dependent on a degree of conformance to

said rule];

wherein layouts and conditions included in the display description file

only specify how to display elements defined in the display description file

[Col. 6, lines 23-43→ *laying out elements on a page for printing or online*

display, wherein the page includes content and design, said content

including a plurality of different type and graphical elements, and said

design including a rule associated with a particular type or graphical

element, said rule defining a scoring system which defines a score

dependent on a degree of conformance to said rule...scoring resulting

layout according to the rule included in the design].

As to claim 41:

O'Brien teaches the conditions and layouts are defined in a style associated with

the element [Col. 6, lines 10-22 → *elements of the design to be laid out*

according to a rule, or a set of rules, which define desirable layouts ... The rules

are defined in terms that relate any element either to another element or a

physical property of the geometric information display, such as an edge or a

margin].

As to claim 42:

O'Brien teaches the style is associated with the element based on a class [Col. 6, lines 6-22 → *layouts or styles… The rules are defined in terms that relate any element either to another element or a physical property of the geometric information display, such as an edge or a margin*].

As to claim 43:

O'Brien teaches the conditions *(e.g., rules)* and layouts *(e.g., layouts or styles)* are provided as attributes within the definition of the element [col. 6, lines 10-22 → *The rules are defined in terms that relate any element either to another element or a physical property of the geometric information display*].

As to claim 44:

O'Brien teaches the element has child elements and the layout specifies the layout of the child elements [Col. 20, line 56 – Col.21, line 7 → *the layout of sub-elements or nested elements with larger elements*].

As to claim 45:

O'Brien teaches the data structure is specified using a display description language [Col. 9, lines 16- 26 → *The intermediate output 110 is one or more data*

sets including raw text and graphical content, which may be supplemented in part

by some markup or tag information such as is used by XML].

As to claim 46:

O'Brien teaches the data structure is specified using XML [Col. 4, line 54 and Col.

11, lines 56-60 → *XML*].

As to claim 47:

O'Brien teaches the data structure is specified using HTML [Col. 11, lines 4-60 →

HTML].

<u>As to claim 13:</u>

Refer to claim 40 above. Claim 13 is the same as Claim 40, except Claim 13 is

system Claim and Claim 40 is a computer-readable storage medium Claim.

As to claim 14:

O'Brien teaches the element has a class and the conditions and layouts are

provided in a style for that class [Col.6, lines 3-22 → *elements of the design to be*

laid out according to a rule, or a set of rules, which define desirable layouts].

As to claim 15:

O'Brien teaches the conditions *(e.g., rules)* and layouts *(e.g., layouts or styles)* are attributes of an element for that class [*Col. 6, lines 3-22*].

As to claim 16:

O'Brien teaches the conditions *(e.g., rules)* and layouts *(e.g., layouts or styles)* are provided as attributes within the definition of the element [col. 6, lines 10-22 → *The rules are defined in terms that relate any element either to another element or a physical property of the geometric information display*].

As to claim 17:

O'Brien teaches the element has child elements and the layouts specify the layout of the child elements [Col. 20, line 56 – Col.21, line 7 → *the layout of sub-elements or nested elements with larger elements*].

As to claim 18:

O'Brien teaches a layout is from, among other things, vertical layout [Col. 15, lines 1-11, see also, Fig. 10a → *the vertical position of the lower edge of border*].

As to claim 19:

O'Brien teaches a layout specifies a table in which the child elements are to be displayed [col. 23, lines 1-13 → *a dynamic scope of layout components including sub-elements on a page that must fit within a define element … the page extent of a document included of multiple sections or chapter*].

As to claim 20:

O'Brien teaches the layout that specifies a table further specifies a cell within the table for a child element [Col. 15, line 61- Col. 16, line 67 → *a table including multiple column and rows … define a table to include a number of cells*].

As to claim 21:

O'Brien teaches the layout that specifies a table further specifies that a cell for a child element is to be automatically selected [Col. 16, lines 45-67 → *define a table to include a number of cells … the user to select the shadow only behind the first cell*].

As to claim 22:

O'Brien teaches the layout that specifies a table further specifies a cell within the table for a child element and another cell for another child element is to be automatically selected [Col. 16, lines 45-67 → *define a table to include a number*

of cells ... the user to select the shadow only behind the first cell ... is et to "span"

... the last cell has been placed and will stretch from the original instance of the

table cell to the last instance of the table cell].

As to claim 23:

O'Brien teaches each child element is only defined once within the element [Col.

6, lines 3-22 → *elements of the design to be laid out according to a rule, or a set

of rules, which define desirable layouts*].

As to claim 24:

O'Brien teaches a layout specifies the layout of the child elements [Col. 20, line

56 – Col.21, line 7 → *the layout of sub-elements or nested elements with larger

elements*].

As to claim 1:

Refer to claim 40 above. Claim 1 is the same as Claim 40, except Claim 1 is a

method Claim and Claim 40 is a computer-readable storage medium Claim.

However, Claim 1 further recites "*providing a display description file that specifies

the display description using the display description language.*"

O'Brien teaches providing a display description file that specifies the display

description using the display description language [Col. 6, lines 23-43→ *laying*

out elements on a page for printing or online display, wherein the page includes content and design, said content including a plurality of different type and graphical elements, and said design including a rule associated with a particular type or graphical element, said rule defining a scoring system which defines a score dependent on a degree of conformance to said rule…scoring resulting layout according to the rule included in the design].

As to claims 2-9:

Refer to the discussion of claims 14-21 above, respective, for rejections.

As to claim 10:

Specifies a cell within the table for a child element and another cell for another child element is to be automatically selected [Col. 16, lines 45-67 → *define a table to include a number of cells … the user to select the shadow only behind the first cell … is et to "span" … the last cell has been placed and will stretch from the original instance of the table cell to the last instance of the table cell*].

As to claim 11:

O'Brien teaches the display description language is XML based [Col. 4, line 54 and Col. 11, lines 56-60 → *XML*].

As to claim 12:

O'Brien teaches the display description language is HTML based [Col. 11, lines

4-60 → *HTML*].

Response to Arguments

3.   Applicant's arguments filed 02/31/2008 have been fully considered but they are

not persuasive.

Application argues in substance that O'Brien does not teach the rules are

included in a "display description file" that includes "a definition of an element" to

which the rules apply [Remarks, page 8].

The examiner disagrees.

O'Brien does teach the rules *(said design including a rule associated with a*

particular type or graphical element) are included in a "display description file"

(the page includes content and design) that includes "a definition of an element"

(said content including a plurality of different type and graphical elements) to

which the rules apply *(said rule defining a scoring system which defines a score*

dependent on a degree of conformance to said rule…scoring resulting layout

according to the rule included in the design) [Col. 6, lines 23-43].

Conclusion

4.   The prior art made of record, listed on PTO 892 provided to Applicant is

considered to have relevancy to the claimed invention. Applicant should review

each identified reference carefully before responding to this office action to

properly advance the case in light of the prior art.

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact information

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is

(571) 272-4093. The examiner can normally be reached on Monday - Friday from

9:00am – 5:30 pm. If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Doug Hutton can be reached at (571)

272-4137.

The fax phone number for the organization where this application or proceeding

is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/M. N./

Examiner, Art Unit 2176

/Doug Hutton/
Doug Hutton
Supervisory Primary Examiner
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